

REMARKS

Claims 12-19, 22-28 and 34-46 are pending in the application. Claims 13, 14, 19, 22, 23, 34, 36, 40 and 43-46 have been amended. Reconsideration of this application is respectfully requested.

Applicants appreciate the Examiners, Mr. Bhat and Mr. Barlow, participating in a telephone interview on November 29, 2005 with Applicants' attorney. During the course of the interview, it was agreed that Applicants would amend the claims by changing "process" to "industrial process" and that the Examiners would then withdraw the final Office Action and reopen prosecution. The claims have been amended by changing "process" to "industrial process".

The Office Action rejects claims 12-19, 22-28 and 34-46 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,909,672 to Madore et al., hereafter Madore.

During the course of the interview, the discussion centered on independent claims 34, 40 and 43, which recite a computer apparatus, a method and a memory media, respectively, for a two step procedure. Using claim 34 as an example, it was noted that the computer apparatus, user and process are shown in Fig. 1 as computer 22, client 32 and process 28, that the processor and activity framing program are shown in Fig. 2 as processor 34 and activity framing program 44.

It was further noted that the first step of the claimed procedure is set forth in the first wherein clause as the activity framing program responding to input data entered by the user to define a data structure. This claimed step corresponds to steps 100, 102, 104 and 116 in Fig. 15.

The data structure comprises a plurality of activities of the process including at least one attribute of a first one of the activities and at least one attribute of a second one of the activities, where the second activity is framed at least in part by the first activity. It was noted that the first and second activities correspond to the examples shown in Figs. 12-14. For example, in Fig. 14, the first and second activities are PumpOut 1 and Mix 1, respectively. The first and second attributes are Equipment Tank 1.

It was further noted that the second step of the claimed procedure is set forth in the second wherein clause as the activity framing program responding to a request entered by the user to retrieve data of the process. This claimed step corresponds to Fig. 19 and the accompanying text at pages 15 and 16.

The request identifies the first activity and the first attribute of the first activity. The activity framing program uses the data structure defined by the first claimed step to access data of the process to retrieve activity data of the second activity.

It was pointed out that Madore is directed to a portable time clock system in which a worker carries a portable time recorder PDCP to record the time spent on different jobs or tasks for use in an activity based time accounting system. At the end of each day the worker places the portable time recorder in a docking system SPF. While the PDCP is in the docking system, the time recorded data is uploaded into the SPF system for transfer to another computer. (See column 14, lines 11-13 and column 7, line 65, to column 8, line 2.)

The Office Action reads the activity framing program on Figs. 11A-11D, which are described in columns 14 and 15. There was discussion of the first and second activities corresponding to an activity code for a job and a different code number for a break taken by the worker during the time spent for the job.

It was pointed out that Madore lacks at least the claimed step of the second wherein clause. In particular, Madore does not teach or disclose that the program stored in the PDCP or the SPF responds to a request to access the process data of the second activity by using data structure, where the request identifies the first activity and the first attribute of the first activity. Madore merely discloses that the data recorded in the PDCP is uploaded to the SPF for transfer to another computer. Since Madore lacks at least the claimed step of the second wherein clause, the rejection of independent claims 34, 40 and 43 and their dependent claims is erroneous.

Independent claims 44-46 have been further amended to recite the step of accessing the data of the second activity in response to a request that identifies the first activity and the first attribute of the first activity, similar to the language of independent claims 34, 40 and 43. Therefore, Madore lacks at least the claimed step of accessing the activity data of the industrial process of independent claims 44-46.

For the reason set forth above, it is submitted that the rejection of claims 12-19, 22-28 and 34-46 under 35 U.S.C. 102(b) as anticipated by Madore is either erroneous and/or obviated by the amendment and should be withdrawn.

The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

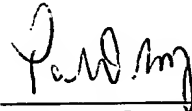
It is respectfully requested for the reasons set forth above that the rejection under 35 U.S.C. 102(b) be withdrawn, that claims 12-19, 22-28 and 34-46 be allowed and that this application be passed to issue.

For the reasons set forth above, it is submitted that this amendment places the application in condition for allowance. Accordingly, it is respectfully

requested that this application be allowed and passed to issue. If this amendment is deemed to not place the application in condition for allowance, it is respectfully requested that it be entered for the purpose of appeal.

Respectfully Submitted,

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